

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN**

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| <p>TIMOTHY BOZUNG, individually and on behalf of all others similarly situated,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>CHRISTIANBOOK, LLC f/k/a CHRISTIAN BOOK DISTRIBUTORS CATALOG, LLC,</p> <p style="text-align: center;">Defendant.</p> | <p>Case No. 1:22-cv-00304-HYJ-RSK</p> <p>Honorable Hala Y. Jarbou</p> <p>PLAINTIFF’S MOTION</p> <p>JURY TRIAL DEMANDED</p> |
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**PLAINTIFF’S MOTION TO SEAL CERTAIN PORTIONS OF
PLAINTIFF’S PROPOSED REPLY BRIEF AND THE EXHIBIT
ATTACHED THERETO (IN SUPPORT OF PLAINTIFF’S MOTION FOR
RELIEF FROM JUDGMENT PURSUANT TO FED. R. CIV. P. 59(e) &
FED. R. CIV. P. 60(b) AND FOR LEAVE TO FILE SECOND AMENDED
COMPLAINT PURSUANT TO FED. R. CIV. P. 15(a))**

Plaintiff submits this Motion to Seal in connection with the contemporaneous filing of Plaintiff's Motion for Leave to File a Reply in Support of Plaintiff's Motion for Relief From Judgment Pursuant to Fed. R. Civ. P. 59(e) & Fed. R. Civ. P. 60(b) and for Leave to File Second Amended Complaint Pursuant to Fed. R. Civ. P. 15(a). Plaintiff's aforementioned motion includes a proposed Reply as an exhibit—and the Reply includes exhibits as well. The proposed Reply and accompanying exhibits include discussion and material produced in discovery pursuant to the Confidentiality Agreement and Stipulated Protective Order, ECF No. 35, (and marked "Confidential") by Third-Parties (the "Confidential Documents"). Plaintiff opposes the permanent sealing of the references regarding the Confidential Documents, but files the present Motion to Seal to temporarily file under seal references to these Documents to comply with LCivR 10.6(b) and Paragraph 8 of the Protective Order. *See* ECF No. 35, PageID.1331.

The Sixth Circuit in *Shane Grp., Inc. v. Blue Cross Blue Shield of Mich.*, 825 F.3d 305 (6th Cir. 2016) and another District Court in Michigan in *In re FCA US LLC Monostable Electronic Gearshift Litig.*, 377 F. Supp. 3d 779 (E.D. Mich. 2019), have explained that there is a "strong presumption in favor of openness as to court records" and that "the burden of overcoming that presumption is a heavy one." *Shane*, 825 F.3d at 305. As a result, and after reviewing the Confidential Documents, Plaintiff does not believe that references to these documents satisfy the requirements

for sealing in this District. However, as stated, Plaintiff files this Motion to comply with the Local Rules and the Protective Order, and to allow Defendant to set forth its basis for permanently sealing the Confidential Documents. As a result, Plaintiff requests that the Confidential Documents remain under seal for at least 14 days from the date of this Motion until Defendant has responded to the Motion.

Per LCivR 7.1(d), on May 3, 2023, counsel for Plaintiff contacted Defendant's counsel regarding the sealing of any discussion of the Documents, and, on May 4, 2023, Defendant was provided with the documents to be filed under seal and the type of redactions otherwise to be made. Counsel for Defendant communicated that Defendant does not oppose this Motion to Seal.

Dated: May 4, 2023

Respectfully submitted,

/s/ E. Powell Miller

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Counsel for Plaintiff and the Putative Class

CERTIFICATE OF SERVICE

I hereby certify that on May 4, 2023, I electronically filed the foregoing documents using the Court's electronic filing system, which will notify all counsel of record authorized to receive such filings.

/s/ E. Powell Miller

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